S.B. CIVIL WRIT PETITION NO. 1791/07
Laxmi Lal vs. U.I.T. Udaipur & ors.

Date of Order: 5.9.2007

Hon'ble Mr. Prakash Tatia, J.

Mr. Sajjan Singh for the appellant.

Heard learned counsel for the petitioner.

The petitioner is aggrieved against the orders dated 8.1.2007 by which the petitioners application under Order 7 Rule 14, C.P.C. for taking on record certain documents was dismissed and by another order, the petitioner's prayer for amendment was rejected.

The learned counsel for the petitioner submitted that the documents are relevant for the purpose of deciding the suit and though there is delay in submitting the documents but the court should not have rejected the prayer on the ground of delay in view of the fact that the principle of Order 13 Rule 1 and 2,C.P.C. after amendment of the Code of Civil Procedure, cannot be enforced with the mere rigor in view of Order 7 Rule 14, C.P.C.

I considered the submissions of the learned counsel for the petitioner and perused the facts of the case.

Firstly the writ petition to challenge two orders passed on two applications cannot be challenged by filing one writ petition.

So far as rejection of the application under Order 7 Rule 14 is

concerned, that was very rightly done by the trial court in view of the fact that the documents were sought to be produced after 16 years of the filing of the suit. There appears to be no reasonable justification for submitting a document late and the plea taken by the plaintiff that the documents though were in possession of the plaintiff and were lying in the plaintiff's own file which was with his Advocate and the plaintiff was not informed for 16 years, is liable to be rejected summarily and such plea cannot be entertained. Therefore, the trial court rightly dismissed the application of the plaintiff filed under Order 7 Rule 14,C.P.C. With respect to the application filed under Order 6 Rule 17, C.P.C., the trial court gave cogent reasons that even while deciding the plaintiff's application for grant of temporary injunction, Commissioner was appointed and in the interim order, the trial court held that the plaintiff was not in possession of the property then every fact was in the knowledge of the plaintiff and he submitted application for amendment of the application after 16 years.

In view of the above, I do not find any merit in the writ petition and the same is hereby dismissed.

(**PRAKASH TATIA),J.**

mlt.